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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ROMEO & JULIETTE LASER HAIR REMOVAL, INC.,  
d/b/a ROMEO & JULIETTE HAIR REMOVAL,

Plaintiff,

-against-

08 Civ. 0442 (TPG)

ASSARA I LLC., d/b/a ASSARA LASER CENTER NYC,  
ASSARA LASER and MANHATTAN LASER HAIR  
REMOVAL, JAY SHUMAN a/k/a JEROME SHUMAN,  
WILL SHUMAN and DR. SAM TAYER,

ECF CASE

Defendants.

-----X

**AFFIDAVITS OF SERVICE UPON  
DR. SAM TAYER**

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE Feb. 19, 2008
NAME OF SERVER (PRINT) Peter Olphie	TITLE NYS Lic Private Investigator

Check one box below to indicate appropriate method of service

- Service on Dr. Sam Tayer
- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
- Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:

On Feb. 19, 2008 at 9:27AM I

☒ Other (specify): Served Elizabeth Botte, employee of Assara Laser, employee of Dr. Sam Tayer, at Assara Laser, 2nd Fl., 7 W. 51st St., NY, NY 10019 - female - 5' 7" - 120 lbs - 25 years - Brn Hair - Wht Skin - AND mailed copies of documents first class mail and Certified mail return receipt requested #7007 0220 0003 9337 8506

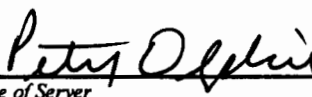
**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL \$0.00
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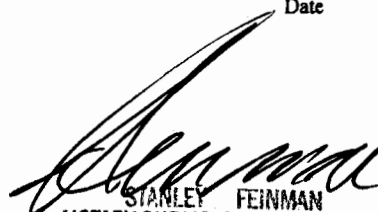
**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on Feb. 19, 2008  
Date

  
Signature of Server

Roslyn, NY  
Address of Server

  
STANLEY FEINMAN  
NOTARY PUBLIC, State Of New York  
No. 4792237

Qualified in Nassau County  
Term Expires

Feb 9, 2009

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT

Southern

District of

New York

ROMEO & JULIETTE LASER HAIR REMOVAL, INC.,  
d/b/a ROMEO & JULIETTE HAIR REMOVAL,

Plaintiff,  
V.

ASSARA I LLC., d/b/a ASSARA LASER CENTER NYC,  
ASSARA LASER and MANHATTAN LASER HAIR REMOVAL,  
JAY SHUMAN a/k/a JEROME SHUMAN, WILL SHUMAN  
and DR. SAM TAYER,

Defendants.

SUMMONS IN CIVIL ACTION

08 CV 0442 (TPG)  
CASE NUMBER: ECF CASE

08 CV 0442

TO: (Name and address of Defendant)  
Dr. Sam Tayer  
7 West 51st Street  
2nd Floor  
New York, New York 10019

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

BUTLER, FITZGERALD, FIVESON & MCCARTHY, A Professional Corporation  
350 Fifth Avenue, Suite 6215, New York, New York 10118  
(212) 615-2200

an answer to the complaint which is served on you with this summons, within \_\_\_\_\_ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. M. C. ELAMINATION

JAN 17 2008

CLERK

DATE

(By) DEPUTY CLERK

**AFFIDAVIT  
OF  
SERVICE**

ROMEO & JULIETTE LASER HAIR REMOVAL, INC.,  
d/b/a ROMEO & JULIETTE HAIR REMOVAL

Plaintiff(s) Petitioner(s)

against  
ASSARA I LLC., d/b/a ASSARA LASER CENTER NYC, ASSARA LASER  
and MANHATTAN LASER HAIR REMOVAL, ET AL.

Defendant(s) Respondent(s)

being sworn

Nassau COUNTY, NEW YORK STATE: Peter Olphie  
Deponent is not a party herein, is over 18 years of age and resides at Roslyn, NY

on Feb. 19, 2008XX at 9:27A M., at Assara Laser, 2nd Fl., 7 W 51st St., NY, NY 10019

Deponent served the within ☐ summons ☐ with notice ☐ summons, Spanish summons and complaint, the language required by NYCRR 2900.2(e), (f) & (h) was set forth on the face of the summons(es)

☐ summons and complaint

☐ notice of petition and petition

☐ subpoena ☐ subpoena duces tecum

☐ citation

☒ Summons in a Civil Action, Complaint, Letter as per 3rd Amended Instructions for filing with attachments

☒ defendant (hereinafter

☐ respondent called

therein named

☐ witness the recipient)

Dr. Sam Tayer

INDIVIDUAL

1. ☐

by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as said recipient therein.

CORPORATION

2. ☐

a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be thereof

SUITABLE AGE PERSON

3. ☒

by delivering thereat a true copy of each to Elizabeth Botte, employee of Assara Laser a person of suitable age and discretion. Said premises is recipient's ☒ actual place of business ☐ dwelling place ☐ usual place of abode within the state.

AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there

Deponent talked to

at said premises who stated that recipient ☐ lived ☐ worked there.

MAILING TO RESIDENCE USE WITH 3 OR 4

5A. ☐

Deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's last known residence, a and deposited said envelope in a official depository under exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO BUSINESS USE WITH 3 OR 4

5B. ☒

Deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's actual place of business, a Dr. Sam Tayer, c/o Assara Laser, 7 W. 51st St., 2nd Fl., NY, NY 10019 in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant. and mailing certified mail return receipt requested # 7007 0220 0003

DESCRIPTION

☒

☐ Male

☒ White Skin

☐ Black Hair

☐ White Hair

☐ 14-20 Yrs.

9337 8506 ☐ Under 5

☐ Under 100 Lbs.

☒ Female

☐ Black Skin

☒ Brown Hair

☐ Balding

☒ 21-35 Yrs.

☐ 5'0"-5'3"

☒ 100-130 Lbs.

☐ Yellow Skin

☐ Blonde Hair

☐ Mustache

☐ 36-50 Yrs.

☒ 5'4"-5'8"

☐ 131-160 Lbs.

☐ Brown Skin

☐ Gray Hair

☐ Beard

☐ 51-65 Yrs.

☐ 5'9"-6'0"

☐ 161-200 Lbs.

☐ Red Skin

☐ Red Hair

☐ Glasses

☐ Over 65 Yrs.

☐ Over 6'

☐ Over 200 Lbs.

Other identifying features:

WITNESS FEES

☐

\$

the authorizing traveling expenses and one days' witness fee:

☐ was paid (tendered) to the recipient

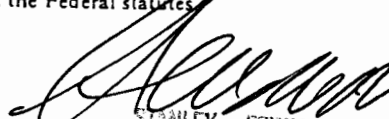
☐ was mailed to the witness with subpoena copy.

MILITARY SERVICE

☒

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on  
Feb. 19, 2008

  
STANLEY FEINMAN  
NOTARY PUBLIC, State of New York  
No. 4792237  
Qualified in Nassau County  
Term Expires Aug 31, 2009

  
Peter Olphie